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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/748,977

12/30/2003

Angel Stoyanov

25339

8820

28624

7590

07/19/2006

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EXAMINER

WHITE, EVERETT NMN

ART UNIT

PAPER NUMBER

1623

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|--------------------------------------|--|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/748,977 | Applicant(s) STOYANOV ET AL. | |
| | Examiner Everett White | Art Unit 1623 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112, 2nd paragraph rejections.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-14.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____.

E. White

Shaojia A. Jiang
 Shaojia A. Jiang
 Supervisory Primary Examiner
 Technology Center 1600

Continuation of 11. does NOT place the application in condition for allowance because: of the reasons disclosed in the previously mailed Office Actions. Applicants argue against the rejection on the ground by stating as a whole, the Hansen et al '256 disclosure relates to binding of particles through hydrogen bonding and coordinate covalent bonding sites, not to covalent intrafiber crosslinking of cellulose fibers with a crosslinking agent in the presence of a polyol. This argument is not persuasive because Hansen et al teaches production of high bulk fibers with intrafiber crosslinks, with particles bound to the fibers by binders disclosed therein (see column 37, 3rd paragraph). See column 19, line 61 wherein the binders thereof may be selected as a polycarboxylic acid and a polyol. Applicants argue that Hansen et al teaches away from forming covalent bonds such as in the instant invention and differentiate from crosslinking in that the fibers can be bound to the particles without the application of heat, whereas in the crosslinking reaction elevated temperature are required to covalently crosslink cellulose groups, and further points out the use of temperatures below 145 degrees in the Hansen et al patent. This argument is not persuasive since the instant claims do not disclose specific temperature values for carrying out the claimed method. Applicants also argue that Hansen et al do not state that the polycarboxylic acid and the polyol are used in combination during the crosslinking reaction to form intrafiber crosslinked fibers since the crosslinking which occurs during curing would result in the binder no longer being available for hydrogen bonding or coordinate covalent bonding. This argument is not persuasive since Hansen et al teaches the use of at least 20% water being present during curing, which prevents all of the binder from being used to form covalent intrafiber crosslinks (see column 23, lines 21-32). This statement shows that binding material is present in the Hansen et al intrafiber crosslinking process as instantly claimed. Applicants argument against the Hansen et al '326 patent is also noted, but is not persuasive for the substantially the same reasons presented for the Hansen et al '256 patent. Accordingly, the rejection of the instant claims as being unpatentable over the Hansen et al '256 and '326 patents is maintained for the reasons of record.